

1
2
3
4
5
6
7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 MATEO ESTRADA,

11 Petitioner,

No. 2:03-cr-247 JAM DAD

12 vs.

13 UNITED STATES,

14 Respondent.

ORDER

15 _____/
16 Mateo Estrada, a federal prisoner proceeding pro se, filed a document with the
17 court styled as a “petition for writ of audita querela.” (Doc. No. 137.) Estrada seeks to
18 challenge his 2004 conviction and sentence in this court for possessing pseudoephedrine with
19 knowledge or reasonable cause to believe that it would be used to manufacture
20 methamphetamine, in violation of 21 U.S.C. § 841(c)(2). The matter was referred to a United
21 States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

22 On January 4, 2013, the magistrate judge filed findings and recommendations
23 herein which were served on all parties and which contained notice to all parties that any
24 objections to the findings and recommendations were to be filed within 14 days. Petitioner has
25 filed objections to the findings and recommendations. (Doc. No. 143.)

26 /////

The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge's analysis. Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed January 4, 2013 (Doc. No. 142), are adopted in full;

2. The relief requested in the document styled as a petition for writ of audita querela (Doc. No. 137) is DENIED; and

3. For the reasons stated in the magistrate judge's findings and recommendations, the court declines to issue a certificate of appealability as referenced in 28 U.S.C. § 2253.

DATED: April 10, 2013

/s/ John A. Mendez

UNITED STATES DISTRICT COURT JUDGE